



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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April 26, 2017

The Honorable Thomas Mesaros
City of Edmonds Council
Edmonds City Hall
121 Fifth Avenue North
Edmonds, WA 98020

Re: Final Ecology Approval of Edmonds Comprehensive Shoreline Master Program Update

Dear Mr. Mesaros:

The Washington State Department of Ecology (Ecology) is pleased to announce final approval of the City of Edmonds (City) Shoreline Master Program (SMP) Comprehensive update. Congratulations to you, your staff, and the Edmonds community for completing the comprehensive update of your SMP. We appreciate your commitment to comprehensive land-use planning for Washington's unique and valuable shorelines.

As you know, the following correspondence regarding the SMP update took place between Ecology and the City:

- June 27, 2016 – Ecology conditionally approved the City's SMP update with specific required and recommended changes.
- October 19, 2017 – The City sent a letter to Ecology accepting some of Ecology's required changes and proposing alternative language for other changes, including changes addressing the Edmonds Marsh buffer.
- January 10, 2017 – Ecology accepted the city's alternatives for changes 1-6 and proposed alternatives (Attachment G) for the Edmonds Marsh buffer (changes 7 & 8).
- April 6, 2017 – The City sent a letter to Ecology proposing a modified alternative for the Edmonds Marsh buffer (changes 7 & 8). The City's alternatives are found in Attachment H ("Option M").

Upon review, Ecology finds the City's proposed alternative provisions to be consistent with the purpose and intent of the changes originally proposed by Ecology and with the policy of RCW 90.58.020 and the applicable rules.



The Honorable Thomas Mesaros
April 26, 2017
Page 2

Ecology, therefore, approves the City's SMP comprehensive update, together with the revisions specified above. This action represents Ecology's final decision and there shall be no further modifications to the City's proposal.

The effective date of the City's SMP comprehensive update is 14 days from the date of this letter, Ecology's final approval letter. This 14-day period was established by legislative action in 2011 and is intended to provide lead time for the City to prepare to implement the new SMP.

Ecology is required to promptly publish notice that your SMP has received final approval. The notice, in the form of a legal ad, will begin a 60-day appeal period. We will provide a copy of the legal ad to the City for its records.

Finally, please integrate the revisions contained in this correspondence into the City's SMP, and forward two clean hard copies and one digital copy of the approved SMP to Ecology within 30 days.

Thank you again for your significant work and leadership in completing this SMP update. City Development Service staff Kernen Lien and Shane Hope deserve special recognition for their excellent work throughout the SMP process. If you have any questions, please contact our Shoreline Regional Planner, David Pater, at David.Pater@ecy.wa.gov/(425) 649-4253.

Sincerely,



Maia D. Bellon
Director

Enclosures

By Certified Mail [91 7108 2133 3939 7125 5481]

cc: Dave Earling, City of Edmonds Mayor
Shane Hope, City of Edmonds
Kernen Lien, City of Edmonds
Joe Burcar, Ecology
Tim Gates, Ecology
David Pater, Ecology

**ATTACHMENT A: FINDINGS AND CONCLUSIONS ADDENDUM
FOR PROPOSED COMPREHENSIVE AMENDMENT TO THE EDMONDS
SHORELINE MASTER PROGRAM**

SMP Changes, accepted as passed, in Ordinance No. (Pending)
Prepared by David Pater on April 20, 2017

Timeline for Review of the Proposed Amendment:

The City of Edmonds submitted to Ecology in January 2016, a comprehensive amendment to their Shoreline Master Program (SMP). Upon review of the proposed SMP, Ecology sent the City a [conditional approval](#) on June 27, 2016 identifying a number of required and one recommended change, intended to ensure consistency with state requirements.

On October 19, 2016 the Edmonds City Council sent a [response to Ecology](#), accepting some of the changes and proposed alternatives to changes seven and eight, related to buffer requirements adjacent to the Edmonds Marsh. In response, [Ecology's January 10, 2017 letter](#) formally accepted the City's final determination on Ecology's required changes one through six as consistent with the Shoreline Management Act (RCW 90-58), the State SMP guidelines (WAC 173-26), and with the original intent of the required changes. Regarding changes seven and eight, [Ecology's Attachment G](#) identified two options for the City's consideration regarding buffer requirements adjacent to Edmonds Marsh.

Following extensive deliberation by all parties, the Edmonds City Council followed up with an April 6, 2017 response letter to Ecology, requesting final review of the City's modified alternative (option M). In reviewing the City's final alternative, Ecology concludes that the alternative can be approved, as the language in option M is found to be consistent with the scope and intent of the original required change. The City's option M alternative is included within Attachment H.

FINDINGS OF FACT

Alternative language for SMP section 24.40.090 Shoreline Bulk and Dimensional Standards Table (required change #7).

The City's alternative option M proposes a default 110 foot buffer and 15 foot buffer setback for the Edmonds Marsh upon site redevelopment within the Urban Mixed Use IV environment designation. This change when coupled with the other option M alternatives (see Footnote 18); is consistent with Ecology's analysis in Attachment G and its two separate options for the marsh buffers. Both Attachment G buffer options include a 110 foot buffer and 15 foot setback for the Urban Mixed Use IV, but also include clarification describing how alternative buffer widths and mitigation could be proposed through consideration of a site specific assessment based on the existing conditions at the time of redevelopment.

The 110-foot area the City's regulations would require to be revegetated is historic fill with a levee to protect existing uses. These uses include paved areas, tennis courts, a Health Club, other existing structures on the north side of the Marsh, and a brownfields clean-up site at the southern boundary.

Alternative language for SMP 24.40.090 Shoreline Bulk and Dimensional Standards Table Footnote 18 (required change # 8).

This alternative identifies a process for alternate buffer widths to the 110-foot buffer and 15 foot setback for the Urban Mixed Use IV shoreline environment at the Edmonds Marsh. An alternate buffer width would need to be justified by a site specific ecological assessment at the time of a major site redevelopment in the Urban Mixed-Use IV shoreline environment. In reviewing this approach, Ecology finds the alternative to be consistent with the intent of the protection of ecological functions and environmental impact mitigation outlined in the State SMP Guidelines in WAC 173-26- 201(2) (c) & (e). This change is also found to be consistent with Ecology Attachment G which outlines two separate options for the marsh buffers. Both options propose the use of site specific studies to assess existing conditions and determine the appropriate buffer width necessary to protect ecological functions at Edmonds Marsh. [Attachment A](#) (SMP Findings and Conclusions) also discusses unique features of the Edmonds Marsh and opportunities on adjacent shorelines that would benefit from additional studies or innovative buffer approaches.

Alternative language for SMP section 24.40.090 Shoreline Bulk and Dimensional Standards Table Footnote 19:

This additional footnote clarifies the applicability of Edmonds critical areas buffer modification regulations to the Edmonds Marsh buffer and potential implementation of a buffer restoration project. This alternative is found to be consistent with Ecology Attachment G, which outlines two separate options for the marsh buffers. It also provides additional clarification between the SMP regulations and the integrated City Critical Areas Regulations in Appendix B and SMP sec. 24.40.020.

Alternative language for SMP section 24.40.080 Shoreline Development Table (Shoreline Development Permitted by Area Designation), Footnote 3:

The alternative's incorporation of an additional footnote to the Urban Mixed Use IV column, will help clarify when an "SDP" would be processed as "SCUP," if an alternate buffer is proposed pursuant to footnote 18 within SMP section 24.40.090 Shoreline Bulk and Dimensional Standards Table. This change is consistent with Ecology Attachment G which outlines two separate options for the marsh buffers. Both options suggest requiring a conditional use permit when evaluating an alternate buffer.

Alternative language for SMP section 24.90.010, adds a new definition of "Building setback" to the SMP definitions:

This additional definition is needed to clarify where structural setbacks or uses are measured from the outer edge of an approved buffer located adjacent to the Edmonds Marsh. The definition also lists allowed uses within the setback area (landscaping, building overhangs). This addition provides more specifics for the 15 foot buffer setback. The buffer setback was originally proposed by Ecology in required change #8 (Attachment B) and within Attachment G.

CONCLUSIONS OF LAW

Consistent with RCW 90.58.090(2)(e)(ii), the City's proposed alternatives provided in *Attachment H* have been reviewed and are found to be consistent with the Shoreline Management Act and the Shoreline Master Program Guidelines and the purpose and intent of Ecology's original requested changes outlined in the June 27, 2016 decision letter and attachments A & B .

The alternatives outlined in the findings of fact have been reviewed for consistency with applicable sections of the State SMP Guidelines WAC 173-26- 211 (Environment Designation System), 221 (General Master Program Provisions) and 241 (Shoreline Uses) and WAC 173-26-186 (8) (b), no net loss of shoreline ecological function and RCW 90.58. All alternatives are consistent with the above state shoreline laws, therefore, Ecology accepts the city's alternative option for required changes 7 & 8

Ecology concludes that it has complied with the procedural requirements for state review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-120.

DECISION AND EFFECTIVE DATE

Ecology approval of the City of Edmond's comprehensive SMP update is effective 14 days from the date of the Ecology Director's letter accepting the option M alternative changes.

Attachments: Attachment A, Findings and Conclusions
Attachment B, Required Changes
Attachment G, Options for addressing City of Edmonds Alternatives to Ecology's
Required Changes addressing Edmonds Marsh Buffers and Setbacks
Attachment H, City of Edmonds Option M
SMP Review Router
City of Edmonds April 6, 2017 Response Letter

Attachment H City of Edmonds Option M

Under WAC 173-26-120(7), Ecology may approve the City of Edmonds (City) alternatives if they comply with the SMA and substantive guidelines and are “consistent with the purpose and intent of the originally required changes proposed by Ecology.” The purpose and intent of Ecology’s original proposed amendments are found in Ecology’s Findings and Conclusions (Attachment A, p. 11), and Required Changes (Attachment B, p. 4), dated June 27, 2016. Specifically required changes 7 & 8.

The City’s Alternative

Option M has a default 110-foot buffer and 15 foot setback for the Urban Mixed Use IV shoreline environment at the Edmonds Marsh, unless amended through the shoreline conditional use process. This option also provides consideration of an alternate buffer proposal at a later date if the alternate buffer is derived from a site-specific scientific study that analyzes a project’s impacts upon the baseline conditions of the shoreline environment under applicable the legal standards of the Shoreline Management Act and the Department of Ecology’s Guidelines. This project-level scientific study would need to accompany a proposed Site master plan prior to City Council consideration of the master plan. The City Council has also agreed to fund a separate baseline study of the Edmonds Marsh to help inform the site-specific scientific study. The baseline study would most likely occur well before a site specific study. The Urban Mixed Use IV Shoreline Environment encompasses properties adjacent to the north and south of the Edmonds Marsh.

Option M also clarifies that the buffer is separate from the setback for structures, and that the 15-foot setback starts at the outer edge of the buffer.

Option M is implemented by the following changes to the SMP.

SMP sec. 24.40.090 Shoreline Bulk and Dimensional Standards Table

Shoreline Development	Shoreline Area Designation
	Urban Mixed Use IV
All Other Commercial and Light Industrial Development	
Building Setback	15
Buffer	110 ^{18,19}
Recreation	
Building Setback	15
Buffer	110 ^{18,19}
Residential Development	
Building Setback	NA
Buffer	NA
Transportation and Parking	

SMP sec. 24.40.090 Footnote 18: The Urban Mixed-Use IV environment has a default 110-foot buffer that starts at the outer edge of the Edmonds Marsh where the presence and action of waters are common and usual or at the wetland/upland edge.

An alternate buffer width may be established at the project stage through a shoreline conditional use permit if a site-specific scientific study determines that the default buffer is not necessary to protect and maintain the baseline functions of this wetland/tideland habitat and its other associated ecological functions from being adversely impacted by the proposed project.

The site-specific scientific study must be peer reviewed by an independent scientific consulting firm having relevant wetland/wildlife expertise before consideration of a master plan or shoreline conditional use permit may proceed to a hearing.

The site-specific scientific study must analyze the impacts of the proposed project upon at least these three broad ecological functions of wetlands and marshes: 1) Biogeochemical functions, which are related to trapping and transforming chemicals and include functions that improve water quality in the watershed; 2) Hydrologic functions, which are related to maintaining the water regime in a watershed including functions such as reducing flooding; and 3) Food web and habitat functions.

Any decision to approve an alternate buffer must be consistent with the legal standards of the Shoreline Management Act and State guidelines and would only apply to the portion of the Urban Mixed Use IV environment that is the subject of the application. In other words, the buffer on the north side of the Marsh might ultimately differ from the buffer on the south side of the Marsh if different buffers are necessary to mitigate the respective impacts of those two development areas.

Regardless of the buffer width, upon development of the project, the approved buffer area shall be vegetated, used, and maintained as necessary to protect existing ecological functions and mitigate project impacts as contemplated by the site-specific scientific study that supported the approved width of the buffer.

SMP sec. 24.40.090 Footnote 19: The approved buffers in the Urban Mixed Use IV environment may not be further reduced or exempt from the normal buffer use limitations through ECDC 24.40.020 (F)(2)(e) [Additions to structures] or any of the provisions in Appendix B, including but not limited to, sections 23.50.040 (G)(1) to (4) [Wetland Buffer Modifications], 23.50.040 (I) [Additions to structures], and 23.40.220 (C)(4) [Interrupted wetland buffer], PROVIDED that ECDC 23.40.215 may be applied to implement a restoration project within the Urban Mixed Use IV notwithstanding the language in this footnote.

SMP sec. 24.40.080 Footnote 3: Where an alternate buffer width is proposed as provided in Footnote 18 of section 24.40.090, then a Shoreline Conditional Use Permit (SCUP) is required.

Footnote number 3 is added to the Urban Mixed Use IV column of the ECDC 24.40.080 Shoreline Development Table: Shoreline Development Permitted by Area Designation, where an “SDP” permit is required.

SMP definitions section 24.90.010: Add a new definition of “Building setback”:

“Building setback” means the distance all buildings, uses and other structures shall be set back from the outer or upland edge of the approved buffer. The following may be allowed in the building setback area:

- A. Landscaping;
- B. Building overhangs, if such overhangs do not extend more than 30 inches into the setback area.